

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

BARBARA DIANE LATHAM,

Plaintiff,

v.

No. 13-cv-0822 RB/SMV

**NEAL COX, BEN HAZEN,
LINCOLN CNTY. SHERIFF'S DEPT.,
CNTY. OF LINCOLN,**

Defendants.

**ORDER GRANTING DEFENDANTS' MOTION TO STAY AND
MOTION FOR PROTECTIVE ORDER**

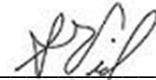
THIS MATTER is before the Court on Defendants' Amended Motion to Stay Discovery [Doc. 43] and Amended Motion for Protective Order and Entry of Non-Appearance [Doc. 44], filed concurrently on March 31, 2014. Plaintiff filed her response to each motion on April 21, 2014. [Docs. 47, 48]. Oral argument is not necessary because these motions can be decided on the briefing. The Court, having considered the briefing and relevant law, and being fully advised in the premises, finds that Defendants' Motion to Stay [Doc. 43] and Motion for Protective Order [Doc. 44] should be **GRANTED**.

Plaintiff's sole argument in opposition is that if a stay of discovery is entered, she will be unable to complete discovery by the termination date provided by the Court's Scheduling Order. [Doc. 48] at 1. This argument is insufficient. Defendants are entitled to a stay pending ruling on their motion for summary judgment based on qualified immunity, [Doc. 38]. *See Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Plaintiff may request amendment of the scheduling deadlines after the issue of qualified immunity is resolved.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendants' Amended Motion to Stay Discovery [Doc. 43] is **GRANTED**. Proceedings in this case are **STAYED** pending ruling on Defendants' motion for summary judgment based on qualified immunity [Doc. 38].

IT IS FURTHER ORDERED that Defendants' Amended Motion for Protective Order and Entry of Non-Appearance [Doc. 44] is **GRANTED**. Defendants are protected from having to respond to any pending discovery requests or having to appear for depositions as long as the case is stayed.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge